

Report From Agency

# RULE REPORT

## Department of Commerce

Clearinghouse Rule No.: 08-047

Rule No.: Chapter Comm 16

Relating to: Electrical Construction

*Contact person for substantive questions:*

*Contact person for internal processing:*

Name Joe Hertel Name Norma Sampson

Title Program Manager Title Communications Specialist

Telephone Number 608-266-5649 Telephone Number 608-267-7907

1. Basis and purpose of the proposed rule.

The basis of the proposed rule is section 101.82 (1), Stat. The purpose of the proposed rule is to update chapter Comm 16 to keep the state electrical code consistent with the National Electrical Code (NEC).

2. How the proposed rule advances relevant statutory goals or purposes.

Section 101.82 (1), Stats., grants the Department of Commerce general authority for protecting the health, safety and welfare of the public by establishing reasonable and effective safety standards for the installation, repair and maintenance of electrical wiring. To fulfill this responsibility, the Department has promulgated the state electrical code, chapter Comm 16.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantive changes have been made.

# FINAL REGULATORY FLEXIBILITY ANALYSIS

## Department of Commerce

CLEARINGHOUSE RULE NO.: 08-047

RULE NO.: Chapter Comm 16

RELATING TO: Electrical Construction

☒ Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the Department of Commerce has determined that the proposed rules to update chapter Comm 16 by adopting the latest edition of the National Electrical Code (NEC) and modifying these standards, where necessary, to reflect any Wisconsin statutes or to improve clarity will not have a significant impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small businesses.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

# RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

## Department of Commerce

CLEARINGHOUSE RULE NO.: 08-047

RULE NO.: Ch Comm 16

RELATING TO: Electrical Construction

Agency contact person for substantive questions.

Name: Joe Hertel

Title: Project Manager

Telephone No. 608-266-5649

Legislative Council report recommendations accepted in whole.

☐ Yes

☒ No

1. Review of statutory authority [s. 227.15(2)(a)]

- a. ☐ Accepted
- b. ☐ Accepted in part
- c. ☐ Rejected
- d. ☐ Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

- a. ☐ Accepted
- b. ☒ Accepted in part
- c. ☐ Rejected
- d. ☒ Comments attached

*(Continued on reverse side)*

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. ☐ Accepted
  - b. ☒ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. ☐ Accepted
  - b. ☐ Accepted in part
  - c. ☐ Rejected
  - d. ☐ Comments attached

## **COMMENTS ON LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT**

Clearinghouse Rule No. 08-047  
Rule No.: Chapter Comm 16  
Relating to: Electrical Construction

### **2. Form, Style and Placement in Administrative Code**

h. The department is adopting the National Electrical Code (NEC). Subchapter III, which is the major focus of this proposed rule package, is created to deal with additions, substitutions and exceptions to the NEC. Because the NEC uses “shall not apply” and “shall be permitted to,” the department would prefer using similar “shall” language to be consistent with the NEC.

o. The department has used the format of “END” followed by “EFFECTIVE DATE” since it has promulgated rules and developed rule packages. Out of eight rule packages submitted to the Legislative Council Clearinghouse for review from May to July 2008, this is the only one that was returned with the comment that the effective date section should be labeled as a separate section: “SECTION 9: EFFECTIVE DATE.” The department prefers continuing to format the END and EFFECTIVE DATE as it has historically done.

### **5. Clarity, Grammar, Punctuation and Use of Plain Language**

a. The department is adopting the National Electrical Code (NEC). Subchapter III, which is the major focus of this proposed rule package, is created to deal with additions, substitutions and exceptions to the NEC. Because the NEC uses “shall not,” the department would prefer using similar “shall” language to be consistent with the NEC.